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COMMISSION ON HUMAN RIGHTS
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of Discrimination and
Protection of Minorities
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Agenda item 22

DRAFT REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-SIXTH SESSION

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* E/CN.4/Sub.2/1994/L.10 and addenda contain the draft chapters of the report relating to the organization of the session and the various items on the agenda. Resolutions and decisions adopted by the Sub-Commission, as well as draft resolutions and decisions for action by, and other matters of concern to, the Commission on Human Rights will be contained in documents E/CN.4/Sub.2/1994/L.11 and addenda.

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A. Resolutions

1994/1. Situation in Rwanda

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Deeply concerned at the convincing and appalling evidence of the genocide resulting from the massacres of the Tutsis, the political assassinations of the Hutus and the various attacks on human rights in Rwanda,

Conscious that this tragedy is the outcome of policies of discrimination which have divided the people of Rwanda and brought great suffering,

Conscious also of the pernicious role played, both in the past and at the present time, by certain States, groups or individuals in the tragedy of Rwanda,

Convinced of the urgent need to take all requisite steps to put an end to this situation,

1. Demands an immediate end to the massacres and sufferings imposed on the people of Rwanda with the complicity of certain States, by proceeding more particularly to rapid and complete disarmament of the militias and extremist elements of the former Rwandese forces which are guilty of these massacres;

2. Deplores the fact that the tardy and insufficiently effective intervention of the international community, including the United Nations and its various organs, as well as the Organization of African Unity, did not, when it was still possible, make it possible to prevent the genocide, yet takes note with satisfaction of the humanitarian assistance efforts made, notably within the United Nations system;

3. Calls for all measures to be taken to encourage the voluntary return, in complete security, to their homes and lands, of all the Rwandese refugees;

4. Hopes that the epidemics, including cholera and dysentery, decimating the people of Rwanda will be contained, with a view to their eradication by all possible means;

5. Calls for Rwanda and its people, with the collaboration of the Organization of African Unity, to be given all the help and assistance needed for the establishment of a State governed by the rule of law and for the reconstruction of the country, in conformity with the decisions and the interests of the people of Rwanda;

6. Reminds all States, whether neighbours of Rwanda or others, and the mass media, particularly the radio stations, of their obligation to maintain strict and objective neutrality towards the conflict and to put an immediate end to all propaganda and incitement to ethnic and racial hatred;

7. Calls for action to investigate, identify and establish the responsibilities, both national and international, of the individuals implicated in the war crimes, including the murder of bishops and members of religious communities, crimes against humanity and genocide in the tragedy of Rwanda, for the purpose of punishing those responsible and guaranteeing the victims or their heirs fair and equitable compensation in accordance with the principles of international law;

8. Calls for the adoption of appropriate measures by States which have granted asylum or other refuge to the individuals implicated in the massacres, so that they do not escape justice;

9. Stresses the importance of establishing an international criminal court in order to try the persons responsible for these crimes;

10. Calls the attention of the expert commission set up by the Secretary-General of the United Nations to the need: to inquire into the events which have led to the present situation, including the attack on the plane carrying the Presidents of Burundi and Rwanda, the assassination of the Prime Minister and of Rwandese ministers and dignitaries, as well as of the 10 United Nations soldiers assigned to protect the Prime Minister; to identify the Rwandese and foreign individuals implicated in the arms traffic or other illicit traffic; and to engage as a priority in identifying and finding evidence and establishing the responsibility of the proprietors, management and personnel of the media, especially "Radio Mille Collines", which continue to play a crucial role, by the manipulation of information, in the perpetration and spread of the atrocities;

11. Expresses the hope that effective follow-up will be ensured, in the context of existing United Nations machinery, to the report of the Special Rapporteur on the situation of human rights in Rwanda, which gives an account of the political assassinations and genocide that have taken place in Rwanda.

11th meeting

1994/2. A world conference against racism, racial and ethnic discrimination, xenophobia and other related contemporary forms of intolerance

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Reaffirming the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language or religion,

Recalling the two World Conferences to Combat Racism and Racial Discrimination, held at Geneva in 1978 and 1983,

Welcoming the outcome of the World Conference on Human Rights, held at Vienna from 14 to 25 June 1993 and, in particular, the attention given to the programme of action for the elimination of racism, racial discrimination, xenophobia and related intolerance,

Noting with grave concern that, despite the efforts of the international community, the principal objectives of the two Decades to Combat Racism and Racial Discrimination have not been attained and that millions of human beings continue to this day to be the victims of varied forms of racism and racial and ethnic discrimination,

Welcoming General Assembly resolution 48/91 of 20 December 1993, whereby the General Assembly decided to proclaim the Third Decade to Combat Racism and Racial Discrimination, beginning in 1993, and to adopt the Programme of Action proposed for the Third Decade,

Bearing in mind the sequence of world conferences programmed by the United Nations to take place before the year 2000,

Recommends to the Commission on Human Rights that, at its fifty-first session, it suggest, through the Economic and Social Council, to the General Assembly, at its fiftieth session, the possibility of convening a world conference against racism, racial and ethnic discrimination, xenophobia and other related contemporary forms of intolerance, to take place in 1997.

17th meeting
12 August 1994
[Adopted without a vote.]

1994/3. Monitoring the transition to democracy in South Africa

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Welcoming the successful transition to a free, democratic and non-racial South Africa following the all-party elections in April 1994,

Desirous of assisting the Government of the new South Africa to attain its legitimate, chosen and established goals of racial harmony and the full realization of economic, social and cultural rights,

Noting with deep satisfaction the historic role of the Commission on Human Rights, the Sub-Commission and the international community over the years, most recently in facilitating the successful democratization of South Africa,

Noting also with satisfaction the report of the Special Rapporteur, Miss Judith Sefi Attah on her mission to South Africa (E/CN.4/Sub.2/1993/11/Add.1), as well as the recommendations and conclusions contained therein,

Welcoming the invitation by the Government of South Africa to the Special Rapporteur to visit South Africa in the context of the preparation of her second and final report,

1. Takes note of the report of the Special Rapporteur and the recommendations and conclusions contained therein;

2. Requests the Special Rapporteur to submit her second and final report on the steps and measures being taken by the Government of South Africa to:

(a) Eradicate the legacies of apartheid;

(b) Rehabilitate its victims;

(c) Build confidence amongst the communities to promote reconciliation and harmony;

(d) Give effect to the realization and enjoyment of economic, social and cultural rights;

3. Expresses its appreciation to the Government of South Africa for its cooperation with and assistance to the Special Rapporteur in the discharge of her mandate;

4. Requests the Special Rapporteur to present her second and final report to the Commission on Human Rights at its fifty-first session and to the Sub-Commission at its forty-seventh session;

5. Requests the Secretary-General to provide the Special Rapporteur with all the assistance necessary to discharge her mandate, including her visit to South Africa.

17th meeting
12 August 1994
[Adopted without a vote.]

B. Decisions

1994/101. Adoption of the agenda of the forty-sixth session of the Sub-Commission

At its 1st meeting, on 1 August 1994, the Sub-Commission decided, without a vote: (i) to change agenda item 11, entitled "Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers" to subitem 10 (e) with the same title; (ii) to delete agenda item 17 (b), entitled "Prevention of discrimination and protection of women" and insert a new agenda item 11, entitled "Prevention of discrimination against women".

1994/102. Consideration of the situation of human rights in Rwanda

At its 2nd meeting, on 1 August 1994, the Sub-Commission decided, without a vote, to consider, as a matter of priority, the situation of human rights in Rwanda, under item 6, on 2 August 1994.

1994/103. Minute of silence

At its 3rd meeting, on 2 August 1994, the Sub-Commission, recalling its decision 1985/109, decided, without a vote, to observe a minute of silence in honour of victims of all forms of violations of human rights in all regions of the world at its forty-sixth session, as well as at the commencement of its future annual sessions.

1994/104. Establishment of a sessional working group on the administration of justice and the question of compensation of the Sub-Commission

At its 3rd meeting, on 2 August 1994, the Sub-Commission, recalling its resolution 1993/29, decided: (i) by 11 votes to 8, with 4 abstentions, not to establish a separate sessional working group on the question of the right to

compensation; (ii) without a vote, to establish a sessional working group on the administration of justice and the question of compensation in place of a sessional working group on detention.

1994/105. Establishment of a sessional working group on methods of work of the Sub-Commission

At its 3rd meeting, on 2 August 1994, the Sub-Commission, recalling its resolution 1993/4, decided, without a vote, to establish a sessional working group on methods of work of the Sub-Commission.

1994/106. Organization of work

At its 3rd meeting, on 2 August 1994, the Sub-Commission decided, without a vote, to invite the following persons to participate in its meetings:

(a) In connection with item 3: Mr. Peter van Wulfften Palthe, Chairman of the fiftieth session of the Commission on Human Rights (pursuant to Commission on Human Rights resolution 1994/23);

(b) In connection with item 4: Ms. Fatma Zohra Ksentini, to submit the final report on human rights and the environment (E/CN.4/Sub.2/1994/9);

(c) In connection with item 5 (a): Mr. Maurice Glélé-Anhanhanzo, Special Rapporteur of the Commission on Human Rights on contemporary forms of racism, racial discrimination and xenophobia and related intolerance (pursuant to Sub-Commission resolution 1993/3);

(d) In connection with item 8: Mr. Awn Shawkat Al-Khasawneh, to submit the progress report on the human rights dimensions of population transfer, including the policy and practice of the implantation of settlers and settlements (E/CN.4/Sub.2/1994/18); Mr. Rajindar Sachar, to submit the second progress report on the right to adequate housing (E/CN.4/Sub.2/1994/20); and Mr. Leandro Despouy, to submit the interim report on human rights and extreme poverty (E/CN.4/Sub.2/1994/19);

(e) In connection with item 10: Mr. William Treat, to submit the final report on the right to a fair trial (E/CN.4/Sub.2/1994/24);

(f) In connection with item 10 (b): Mr. Leandro Despouy, to submit the seventh annual report and updated list on the question of human rights and states of emergency (E/CN.4/Sub.2/1994/23);

(g) In connection with items 16 and 17: Mr. Vitit Muntarbhorn, Special Rapporteur of the Commission on Human Rights on the sale of children, child prostitution and pornography (pursuant to Commission on Human Rights resolution 1994/92).

1994/107. International peace and security as an essential condition for the enjoyment of human rights, above all the right to life

At its 20th meeting, on 16 August 1994, the Sub-Commission decided, without a vote, to postpone consideration of item 14 of its agenda until the forty-seventh session of the Sub-Commission.